

Permit

Number: _____

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
COCOA REGULATORY FIELD OFFICE
400 HIGH POINT DRIVE, SUITE 600
COCOA, FLORIDA 32926

March 28, 2008

Special Projects and Enforcement Branch
SAJ-2007-5385(NW-AWP)

Florida Department of Transportation, District 2
Attn: Van Humphreys
1109 South Marion Ave.
Lake City, Florida 32025-5874

Dear Mr. Humphreys:

Your application for a Department of the Army permit received on September 4, 2007, has been assigned number SAJ-2007-5385(NW-AWP). A review of the information and drawings provided shows the proposed work includes impacts to 0.26 acre of waters of the United States (wetlands) for improvements to the State Road 9A / Heckscher Drive interchange and the removal of 1.4 acre of uplands to create wetlands as compensatory mitigation for the impacts. The project is located in Sections 14, and 23, Township 1 South, Range 27 East, and the mitigation site is located approximately 0.5 south of the impact site on the east side of SR-9A in Section 23 Township 1 South, Range 27 East, Duval County, Jacksonville, Florida 30.4034/-81.5629 (NAD 27).

Your project, as depicted on the attached drawings, is authorized by Nationwide Permit (NWP) Numbers 14 and 27. In addition, project specific conditions have been enclosed. This verification is valid until February 20, 2010. Please access the U.S. Army Corps of Engineers' Jacksonville District's Regulatory web address at <http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm> to access web links to view the Final Nationwide Permits, Federal Register Vol. 72, dated March 12, 2007, the Corrections to the Final Nationwide Permits, Federal Register 72, May 8, 2007, and the List of Regional Conditions. These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 14. Additionally, enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and

general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. Within 60 days of completion of the work authorized, the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous

cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

4. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-5385(NW-AWP), on all submittals.

5. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

7. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion

control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

8. Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following mitigation objectives in accordance with the approved compensatory mitigation plan and detailed on Drawings 4 and 5 of 6 total pages:

a. Offsite Mitigation

(1) Wetland Creation: Remove 1.4 acre of fill from uplands located adjacent to tidal wetlands for the creation of saltwater marsh. The applicant will be responsible for replanting 0.3 acre of the mitigation site immediately upon construction. The created wetland will be planted with native herbaceous material, including *Spartina alterniflora* and *Spartina patens* at a density of 4,840 stems per acre. The transition zone will be planted with sand cordgrass (*Spartina bakeri*). The 0.3 acre mitigation parcel utilized for this DA verification is part of a larger 1.4 acre wetland creation area proposed by the applicant. The applicant shall remove fill material from the entire 1.4 creation area within the time frame described above.

These offsite compensatory mitigation areas shall be preserved in perpetuity in accordance with Special Condition number 15 of this permit.

9. To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, and the nuisance species primrose willow (*Ludwigia peruviana*),

dogfennel (*Eupatorium capillifolium*), Bermudagrass (*Cynodon* spp.), Bahiagrass (*Paspalum notatum*), and cattail (*Typha* spp.). shall total less than 5 percent.

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with Special Condition number 11 of this permit.

10. To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in Special Condition number 8 of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 3 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the Special Condition number 12 of this permit.

11. Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

- (1) Department of the Army Permit Number
- (2) Name and contact information of Permittee and consultant
- (3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted
- (4) A summary paragraph defining the purpose for the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts
- (5) Written description on the location and any identifiable information to locate the site perimeter(s)
- (6) Directions to the mitigation site (from a major highway)
- (7) Dates compensatory mitigation commenced and/or was completed
- (8) Short statement on whether the performance standards are being met
- (9) Dates of any recent corrective or maintenance activities conducted since the previous report submission
- (10) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is

successfully achieving the approved performance standards or trending towards success.

c. Summary Data (maximum of 4 pages): Data shall be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Any photo documentation shall be dated and clearly labeled with the direction from which the photo was taken, and be identified on the appropriate maps.

d. Maps (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan.

e. Conclusions (1 page): A general statement shall be included describing the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee, including a timetable, shall be provided.

12. If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of observation by the Permittee or notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

13. The Permittee's responsibility to complete the required compensatory mitigation, as set forth in Special Condition

number 8 of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset the authorized impacts in accordance with General Condition 2 of this permit.

14. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 2) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

15. The Permittee shall preserve 0.3 acre of created wetlands (Conservation Areas) in perpetuity by recording a conservation easement within the boundaries and location annotated on the attached permit drawing 4 of 5, and in accordance with procedures outlined in the St. Johns River Water Management District (SJRWMD) permit Special Condition number 30 and the following conditions:

a. Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall submit to the Corps a copy of the recorded conservation easement document with exhibits (including legal description and sketch).

b. Any deviation from the established conservation easement cannot be performed without a modification to this permit instrument. The ability to modify or remove this conservation easement is neither implied nor guaranteed. If the conservation easement is removed for any reason, the Permittee shall provide appropriate mitigation to compensate for functional wetland loss.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. In Florida, projects qualifying for this NWP must be authorized under Part IV of Chapter 373 by the Department of Environmental Protection, a water management district under §. 373.069, F.S., or a local government with delegated authority under §. 373.441, F.S., and receive Water Quality Certification (WQC) and Coastal Zone Consistency Concurrence (CZCC) (or a waiver), as well as any authorizations required by the State for the use of sovereignty submerged lands. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

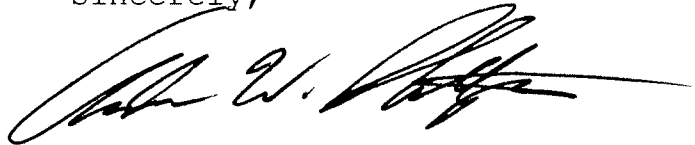
This letter does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply

with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact Andrew Phillips by telephone at 321-504-3771 ex 14.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit the following link and complete our automated Customer Service Survey: <http://regulatory.usacesurvey.com/>. Your input is appreciated - favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew W. Phillips", with a long horizontal flourish extending to the right.

Andrew W. Phillips
Project Manager

Enclosures

Copy Furnished:

ESI, Inc.

bcc:
CESAJ-RD-PE

GENERAL CONDITIONS

33 CFR PART 320-330

PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **date identified in the letter**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: NW-14

Application Number: SAJ-2007-5385

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g., bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States:

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations): _____

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: _____

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

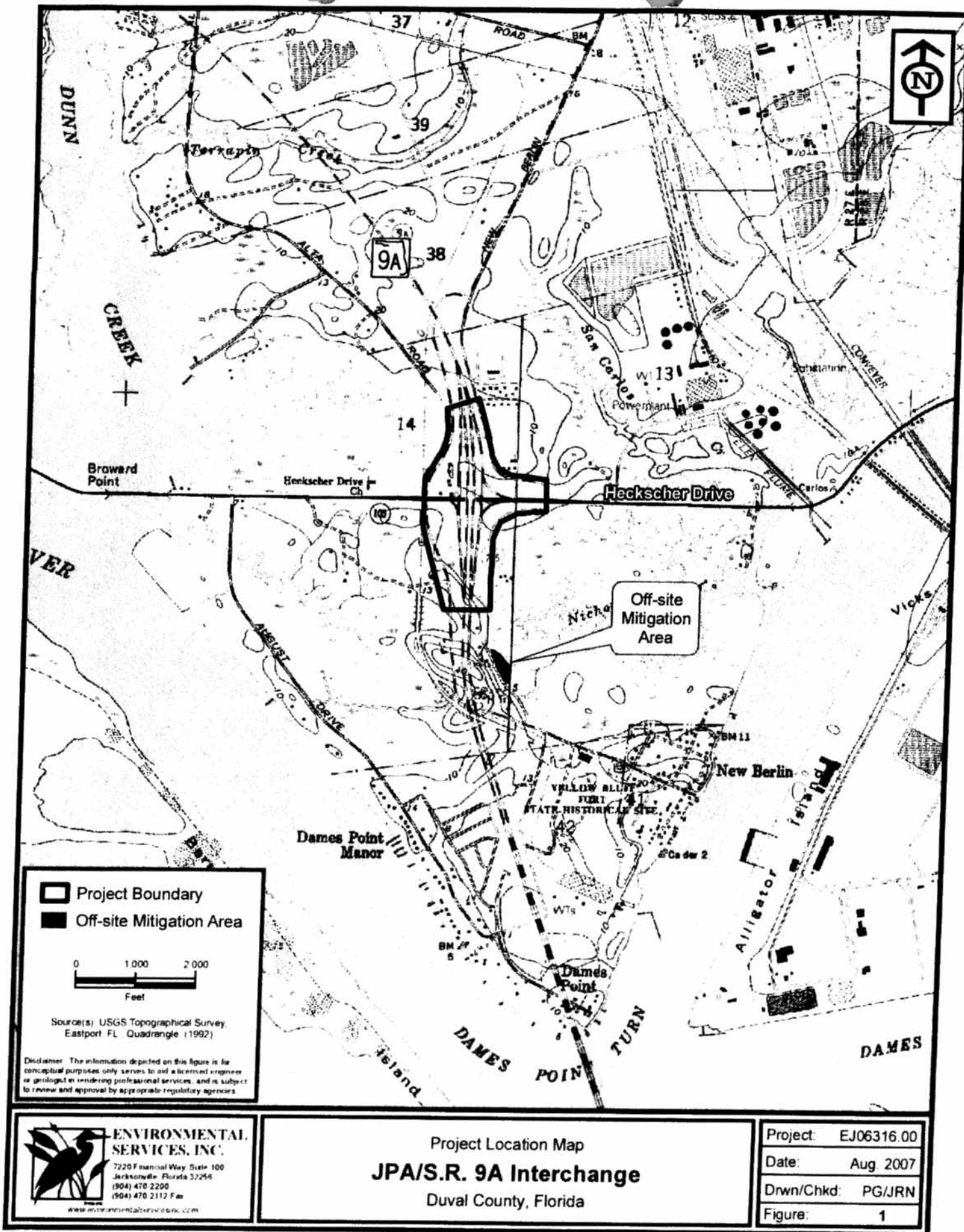
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)





630

140

part 2

814

part 3

642

part 4

642

Project Boundary
Wetland Lines

140 - Commercial and Services
630 - Wetland Forested Mixed
642 - Saltwater Marshes
814 - Roads and Highways

0 250 500
Feet

Source(s) Florida Land Use, Cover and Forms
Classification System (FDOT)

Disclaimer: The information depicted on this figure is for
conceptual purposes only, serves to aid a licensed engineer
or geologist in rendering professional services, and is subject
to review and approval by appropriate regulatory agencies.



**ENVIRONMENTAL
SERVICES, INC.**

7220 Financial Way Suite 100
Jacksonville, Florida 32256
(904) 470-2200
(904) 470-2112 Fax

www.environmentalservicesinc.com

Existing Site Conditions
JPA/S.R. 9A Interchange
Duval County, Florida

Project EJ06316.00

Date: Aug 2007

Drawn/Chkd: PG/JRN

Figure: 3







Wetland Impact 1
0.001 ac.±

9A

Heckscher Drive

Wetland Impact 2
0.25 ac.±

Wetland Impact 3
0.01 ac.±

-  Project Boundary
-  Wetland Lines
-  Wetland Impacts (0.26 ac.±)
-  Submerged Lands Easement (4.25 ac. ±)



Sources: Ghyab and Associates, Inc.

Disclaimer: The information depicted on this figure is for conceptual purposes only, serves to aid a licensed engineer or geologist in rendering professional services, and is subject to review and approval by appropriate regulatory agencies.



**ENVIRONMENTAL
SERVICES, INC.**

7220 Financial Way, Suite 100
Jacksonville, Florida 32256
(904) 470-2200
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www.environmentalservicesinc.com

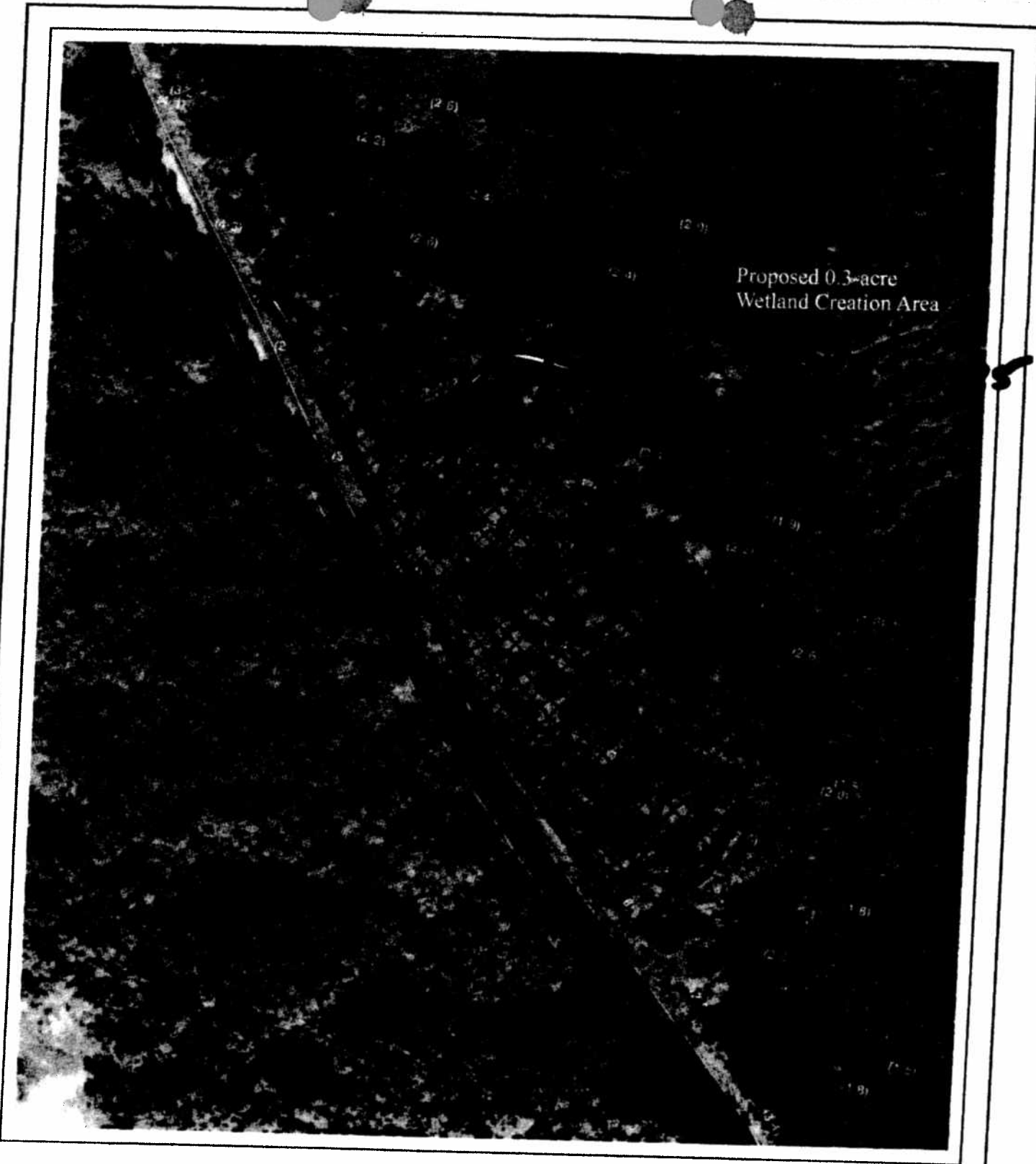
Proposed Site Conditions
JPA/S.R. 9A Interchange
Duval County, Florida

Project: EJ06316.00

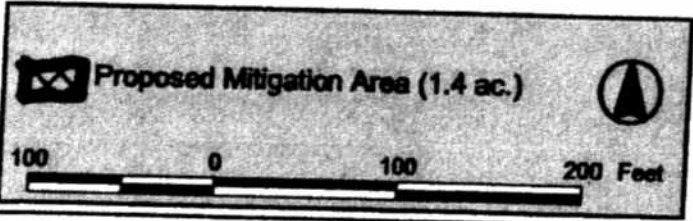
Date: Aug. 2007

Drwn/Chkd: PG/JRN

Figure: 4



30.4034°N 81.5629°W



Proposed Mitigation Area

Section 84 Township 1 South Range 27 East

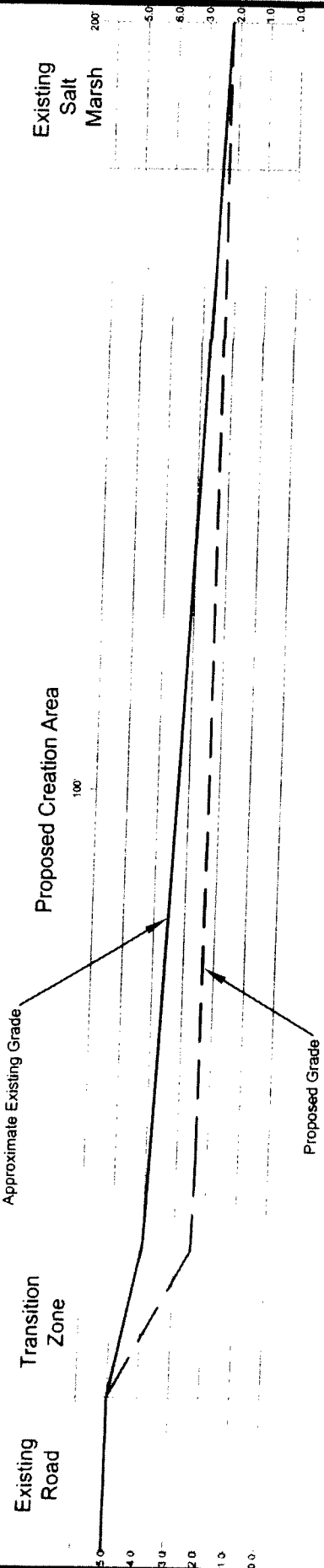
JPA/S.R. 9A Interchange

Figure 6



A

A'



— Existing Grade
— Proposed Grade

0 5' 20'

0 V H

Disclaimer: The information depicted on this figure is for conceptual purposes only. It serves to aid a licensed engineer or geologist in rendering professional services, and is subject to review and approval by appropriate regulatory agencies.

ENVIRONMENTAL SERVICES, INC.
7220 Feinroad Way, Suite 100
Jacksonville, Florida 32256
(904) 470-2200
(904) 470-2112 FAX
www.environmentalservices.com

Typical Cross-Section of Salt Marsh Creation Area
SR 9A/Heckscher Drive Interchange Improvement
Duval County, Florida

| | |
|-------------|------------|
| Project: | EJ06316.00 |
| Date: | Nov. 2007 |
| Drawn/Chkd: | PG/JRN |
| Figure: | 5 |

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO. 40-031-17163-7

DATE ISSUED: March 26, 2008

PROJECT NAME: SR 9A & Heckscher Dr Interchange Improvement, FPID 209168-6-58-01

A PERMIT AUTHORIZING:

Modification of the surface water management system previously authorized by Management and Storage of Surface Water Permits 4-031-17163-1, 4-031-17163-3, 4-031-17163-4, and 4-031-24921-3 to include improvements to the State Road 9A / Heckscher Drive intersection consisting of widening for a new auxiliary lane along southbound SR 9A, widening of the southbound SR 9A bridge over the CSXT railroad and New Berlin Road, reconstruction of the SR 9A southbound exit ramp, reconstruction of the SR 9A southbound entrance ramp, reconstruction of the SR 9A northbound entrance ramp, construction of five new/retro-fitted surface water management ponds, reconstruction of SR 105 through the intersection, and reconstruction of New Berlin Road with additional turn lands north and south of Heckscher Drive. This permit also authorizes work in, on, or over 0.26 acres of wetlands or other surface waters, and construction of a 0.30-acre creation area. [SR 9A & Heckscher Dr Interchange Improvement, FPID 209168-6-58-01].

LOCATION:

Section(s): 13, 14, 23, 24, Township(s): 1S Range(s): 27E
38

Duval County

FDOT-2
1901 S Marion St
Lake City, FL 32025

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated March 26, 2008

AUTHORIZED BY: St. Johns River Water Management District
Department of Resource Management

By: 

(Service Center Director - Jacksonville)
David Miracle

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 40-031-17163-7
FDOT-2
DATED MARCH 26, 2008

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
 1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
 2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
 3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
 4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
 5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
 6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site; the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. This permit for construction will expire five years from the date of issuance.
21. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and

stabilization.

22. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
23. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
24. The proposed surface water management system shall be constructed as per the plans received by the District on November 27, 2007, and modified by plans received on January 25, 2008.
25. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.

If at any time the system is not functioning as designed and permitted, then within 14 days the entity shall submit an Exceptions Report to the District, on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance.
26. Prior to initiation of construction, the permittee shall submit a detailed erosion and sediment control plan to the District for written approval. The plan shall detail all erosion and sediment control measures to be implemented both during and after construction. At a minimum the plan shall include:
27. Identification of any areas where any dewatering will be performed during construction, details of specific erosion and sediment control measures to be implemented to control the discharge of turbid water due to any dewatering activities; and construction sequencing and details of all erosion and sediment control measures to be implemented during each sequence.
28. Construction shall not commence until the permittee receives written approval of the plan from the District.
29. Mitigation to offset the 0.26 acres of impacts to wetlands and other surface waters authorized by this permit will be provided in accordance with the mitigation plan received by the District on November 29, 2007.
30. This permit requires the recording of a conservation easement over 0.30 acres of created wetlands denoted on Figure 6 of the mitigation plan referenced above.

Description of Conservation Easement Area: The permittee shall provide to the District for review and written approval a copy of a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, or (2) use of the infrastructure for its intended use, whichever occurs first.

Recording of Conservation Easement: Prior to (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, or (2) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (February 1, 2005). The conservation easement shall be in the form approved in writing by the District and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the District does not provide written comments on the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted. If the District provides written disapproval of the preliminary plat or surveyor's sketch and legal description, the permittee shall, within ten (10) days of receipt of the disapproval, correct all errors with the conservation easement, including the preliminary plat or legal description and surveyor's sketch, and record the conservation easement.

Pursuant to section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the mitigation proposal referenced above. The easement must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the District, and may not be amended without written District approval.

Additional Documents Required: The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor, who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the District a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located.

Within 30 days of recording, the permittee shall provide the District with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (c) the original recorded consent and joinder(s) of mortgagee (if applicable).

Demarcation of Conservation Easement Area: Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

31. A registered Professional Engineer (P.E.) or his or her designee must inspect the filter/underdrain systems serving portions of the Heckscher Drive/Ramp C/New Berlin Road East area (basin D-2) in the month of August of every year. The P.E. must submit a signed inspection report to the District within 30 days of the inspection date. If the filtration/underdrain system is not functioning as designed and permitted by permit 4-031-24931-2 and 40-031-24931-3 (fka 4-031-0171GM and 4-031-0171GM2), maintenance must be performed immediately and reported in the annual inspection report. If maintenance measures are insufficient to enable the system to meet the design and performance standards in Chapter 40C-42, the permittee must obtain District approval of an alternate design. (This condition modifies and replaces permit condition # 14 of permit # 4-031-24931-2).

Statement of Findings

Number: _____



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28 March 2008

MEMORANDUM FOR RECORD

SUBJECT: Statement of Findings/Environmental Assessment/Finding of No Significant Impact/Public Interest Determination

1. For each of the reissued and new Nationwide Permits (NWP), HQUSACE issued a decision document that contains an Environmental Assessment (EA), Statement of Findings, public interest review, and as appropriate, a Section 404(b)(1) Guidelines analysis. The Office of the Chief of Engineers has determined that division and district engineers will impose, as necessary, additional conditions on the NWP authorization or exercise discretionary authority to address locally important factors relating to the public interest, including any potential adverse effects on the human environment, and to ensure that the authorized activity results in no more than minimal individual and cumulative adverse effects on the environment. Supplemental documentation was prepared for the division engineer to address the individual and cumulative effects of the NWP(s) on local resources. On 12 July 2007, the supplemental documentation was issued by the division engineer and the Jacksonville District's proposed regional conditions were approved. Where required by the terms of the permit, general conditions, and/or regional conditions, the Jacksonville District will continue to perform case-specific review to ensure that the NWP will authorize only activities with no more than minimal individual and cumulative adverse effects on the environment and those activities will not be contrary to the public interest.

2. Name and address of applicant: FDOT
Attn: Van Humphreys
1901 S. Marion St.
Lake City, Florida 32025

3. Project description: The applicant proposes to fill 0.26 acre of waters of the United States for intersection improvements at State Road 9A (SR-9A) and Heckscher Drive. Improvements include widening for new auxiliary lane around southbound SR-9A, reconstruction of the SR-9A southbound ramps. Additionally, the applicant proposes to remove 1.4 acres of upland soil to create waters of the United States to off-set wetland impacts. This activity meets the terms and conditions for authorization under Nationwide Permit's 14 and 27, as published in the 12 March 2007, issue of the Federal Register (72 FR 11092).

4. Project location: The impact is located at the intersection of SR-9A and Heckscher Drive, Sections 14 & 23 Township 1 South, Range 27 East, Duval County, Jacksonville, Florida 30.4125/-81.5659 (NAD 27).

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The mitigation site is located approximately 0.5 south of the impact site on the east side of SR-9A in Section 23 Township 1 South, Range 27 East, Duval County, Jacksonville, Florida 30.4034/-81.5629 (NAD 27).

5. Existing site conditions: At the impact site the wetlands consist of two wetland types. The largest is a tidal salt marsh inside and outside of the southern portion of the interchange. The wetlands are associated with Nichols Creek, a tributary of the St. Johns River. The dominant vegetation is smooth cordgrass with marshhay cordgrass found along the shorelines. A small wetland in the northwest quadrant of the interchange is dominated by mixed forested wetlands containing slash pine, red maple, loblolly bay, water oak, and sweet gum. This wetland may have been historically contiguous with wetlands to the west; however, the wetland has been bisected by the roadway.

At the mitigation site the uplands are comprised of a pine flatwoods community dominated by slash pine. Ground cover is limited by shading but greenbrier does exist.

6. Scope of Analysis: The scope of analysis for this project is limited to the impact site and the mitigation site.

7. Alternatives: See Decision Document for Nationwide Permit 14 and 27, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permits 14 and 27, which were approved by the South Atlantic Division Commander on 12 July 2007.

8. Evaluation of the potential adverse environmental effects (direct, indirect, and cumulative) of the proposed activity: See Decision Document for Nationwide Permit 14 and 27, which was approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permits 14 and 27, which were approved by the South Atlantic Division Commander on 12 July 2007.

9. Mitigation required to ensure that the activity being verified by the U.S. Army Corps of Engineers (Corps) will have no more than minimal adverse effect on environment: To offset direct and cumulative wetland impacts within the watershed the applicant proposes to create 0.3 acres of wetlands from uplands. The applicant will plant utilize 0.3 acre of a 1.4 acre mitigation site for this project and proposes to plant the 0.3 acre creation site with needle rush and saltmarsh cordgrass at a density of 4,840 stems per acre.

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10. Other Federal, State, and Local Authorizations Obtained or
Required and Pending:

a. Clean Water Act Section 401 Water Quality Certification
(WQC): SJRWMD issued permit number 40-031-17163-7 on 26 March
2008.

b. Coastal Zone Management (CZM) consistency certification:
Issuance of WQC certifies the project is consistent with CZM.

c. Endangered Species Act compliance: The applicant has
completed wildlife surveys at both the impact site and the
mitigation site. No federally listed species were observed. The
Corps has determined the project as proposed will have no effect
on federally listed species.

d. National Historic Preservation Act (NHPA) compliance:
NHPA concerns will be addressed by the placement of special
conditions in the verification letter advising Permittees to
contact the State Historic Preservation Office prior to
initiating work and how to proceed should unexpected cultural
resources be encountered.

e. Other authorizations: The Corps determined the project
and mitigation as proposed would not adversely affect Essential
Fish Habitat and coordinated with the National Marine Fisheries
Service (NMFS). The NMFS responded via letter dated 10 March
2008, concluding that with the mitigation proposed the project
will not have a substantial adverse impact to EFH or fisheries
for which they have management stewardship.

11. Special Conditions: The following special conditions will be
added to any permits issued to insure no adverse cumulative or
secondary impacts occur to the aquatic environment, historic
properties, EFH, or federally listed species:

1. Within 60 days of completion of the work authorized, the
attached "Self-Certification Statement of Compliance" must be
completed and submitted to the U.S. Army Corps of Engineers.
Mail the completed form to the Regulatory Division, Enforcement
Section, Post Office Box 4970, Jacksonville, Florida 32232-0019.

2. The Permittee understands and agrees that, if future
operations by the United States require the removal, relocation,
or other alteration, of the structures or work herein authorized,
or if, in the opinion of the Secretary of the Army or his
authorized representative, said structure or work shall cause

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unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

3. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Permittee or other party on the Permittee's behalf, shall conduct a search in the National Register Information System (NRIS). Information can be found at; <http://www.cr.nps.gov/nr/research/nris.htm>. Information on properties eligible for inclusion in the National Register can be identified by contacting the Florida Master File Office by email at fmsfile@dos.state.fl.us or by telephone at 850-245-6440.

If unexpected cultural resources are encountered at any time within the project area that was not the subject of a previous cultural resource assessment survey, work should cease in the immediate vicinity of such discoveries. The permittee, or other party, should notify the SHPO immediately, as well as the appropriate Army Corps of Engineers office. After such notifications, project activities should not resume without verbal and/or written authorization from the SHPO.

If unmarked human remains are encountered, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, Florida Statutes, unless on Federal lands. After such notifications, project activities on non-Federal lands shall not resume without verbal and/or written authorization from the Florida State Archaeologist for finds under his or her jurisdiction.

4. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2007-5385(NW-AWP), on all submittals.

5. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils

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contaminated with any toxic substance, in toxic amounts in
accordance with Section 307 of the Clean Water Act.

6. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

7. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

8. Within 6 months from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall complete the following mitigation objectives in accordance with the approved compensatory mitigation plan and detailed on Drawings 4 and 5 of 6 total pages:

a. Offsite Mitigation

(1) Wetland Creation: Remove 1.4 acre of fill from uplands located adjacent to tidal wetlands for the creation of saltwater marsh. The applicant will be responsible for replanting 0.3 acre of the mitigation site immediately upon construction. The created wetland will be planted with native herbaceous material, including *Spartina alterniflora* and *Spartina patens* at a density of 4,840 stems per acre. The transition zone will be planted with sand cordgrass (*Spartina bakeri*). The 0.3 acre mitigation parcel utilized for this DA verification is part of a larger 1.4 acre wetland creation area proposed by the applicant. The applicant shall remove fill material from the entire 1.4 creation area within the time from described above.

These offsite compensatory mitigation areas shall be preserved in perpetuity in accordance with Special Condition number 15 of this permit.

9. To meet the objectives of the approved compensatory mitigation plan, the Permittee shall achieve the following performance standards:

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a. At least 80 percent cover by appropriate wetland species (i.e., FAC or wetter).

b. Cover of Category I and II invasive exotic plant species, pursuant to the most current list established by the Florida Exotic Pest Plant Council at <http://www.fleppc.org>, and the nuisance species primrose willow (*Ludwigia peruviana*), dogfennel (*Eupatorium capillifolium*), Bermudagrass (*Cynodon* spp.), Bahiagrass (*Paspalum notatum*), and cattail (*Typha* spp.). shall total less than 5 percent.

c. Less than 20 percent mortality of planted wetland species.

The Permittee shall achieve the above performance standards by the end of the 5-year monitoring period, with no maintenance during the 5th year of monitoring. In the event that the above performance standards have not been achieved, the Permittee shall undertake a remediation program approved by the Corps in accordance with Special Condition number 11 of this permit.

10. To show compliance with the performance standards the Permittee shall complete the following:

a. Perform a time-zero monitoring event of the wetland mitigation area(s) within 60 days of completion of the compensatory mitigation objectives identified in Special Condition number 8 of this permit.

b. Submit the time-zero report to the Corps within 60 days of completion of the monitoring event. The report will include at least one paragraph depicting baseline conditions of the mitigation site(s) prior to initiation of the compensatory mitigation objectives and a detailed plan view drawing of all created, enhanced and/or restored mitigation areas.

c. Subsequent to completion of the compensatory mitigation objectives, perform semi-annual monitoring of the wetland mitigation areas for the first 3 years and annual monitoring thereafter for a total of no less than 5 years of monitoring.

d. Submit annual monitoring reports to the Corps within 60 days of completion of the monitoring event. Semi-annual monitoring will be combined into one annual monitoring report.

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e. Monitor the mitigation area(s) and submit annual monitoring reports to the Corps until released in accordance with the Special Condition number 12 of this permit.

11. Annual monitoring reports shall follow a 10-page maximum report format for assessing compensatory mitigation sites. The Permittee shall submit all documentation to the Corps on 8½-inch by 11-inch paper, and include the following:

a. Project Overview (1 Page):

- (1) Department of the Army Permit Number
- (2) Name and contact information of Permittee and consultant
- (3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted
- (4) A summary paragraph defining the purpose for the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts
- (5) Written description on the location and any identifiable information to locate the site perimeter(s)
- (6) Directions to the mitigation site (from a major highway)
- (7) Dates compensatory mitigation commenced and/or was completed
- (8) Short statement on whether the performance standards are being met
- (9) Dates of any recent corrective or maintenance activities conducted since the previous report submission
- (10) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page): List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of this permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success.

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c. Summary Data (maximum of 4 pages): Data shall be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Any photo documentation shall be dated and clearly labeled with the direction from which the photo was taken, and be identified on the appropriate maps.

d. Maps (maximum of 3 pages): Maps shall be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan.

e. Conclusions (1 page): A general statement shall be included describing the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the Permittee, including a timetable, shall be provided.

12. If the compensatory mitigation fails to meet the performance standards 5 years after completion of the compensatory mitigation objectives, the compensatory mitigation will be deemed unsuccessful. Within 60 days of observation by the Permittee or notification by the Corps that the compensatory mitigation is unsuccessful, the Permittee shall submit to the Corps an alternate compensatory mitigation proposal sufficient to create the functional lift required under the permit. The alternate compensatory mitigation proposal may be required to include additional mitigation to compensate for the temporal loss of wetland function associated with the unsuccessful compensatory mitigation activities. The Corps reserves the right to fully evaluate, amend, and approve or reject the alternate compensatory mitigation proposal. Within 120 days of Corps approval, the Permittee will complete the alternate compensatory mitigation proposal.

13. The Permittee's responsibility to complete the required compensatory mitigation, as set forth in Special Condition number 8 of this permit will not be considered fulfilled until mitigation success has been demonstrated and written verification has been provided by the Corps. A mitigation area which has been released will require no further monitoring or reporting by the Permittee; however the Permittee, Successors and subsequent Transferees remain perpetually responsible to ensure that the mitigation area(s) remain in a condition appropriate to offset

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the authorized impacts in accordance with General Condition 2 of this permit.

14. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 2) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

15. The Permittee shall preserve 0.3 acre of created wetlands (Conservation Areas) in perpetuity by recording a conservation easement within the boundaries and location annotated on the attached permit drawing 4 of 5, and in accordance with procedures outlined in the St. Johns River Water Management District (SJRWMD) permit Special Condition number 30 and the following conditions:

a. Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall submit to the Corps a copy of the recorded conservation easement document with exhibits (including legal description and sketch).

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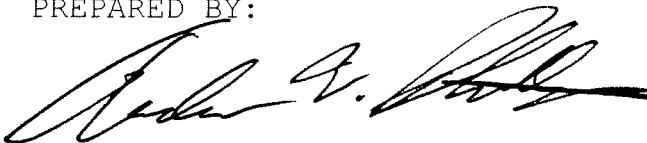
b. Any deviation from the established conservation easement cannot be performed without a modification to this permit instrument. The ability to modify or remove this conservation easement is neither implied nor guaranteed. If the conservation easement is removed for any reason, the Permittee shall provide appropriate mitigation to compensate for functional wetland loss.

12. Public interest review: See Decision Document for Nationwide Permits 14 and 27, which were approved by the Director of Civil Works on 1 March 2007, and Supplemental Environmental Assessment for Nationwide Permits 14 and 27, which were approved by the South Atlantic Division Commander on 12 July 2007.

13. Finding of No Significant Impact: See Decision Document for Nationwide Permits 14 and 27, which were approved by the Director of Civil Works on 1 March 2007.

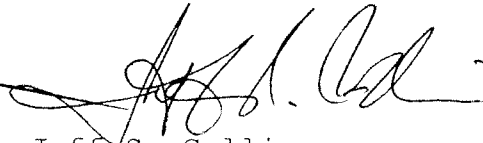
14. Public Interest Determination: This activity, if conducted in accordance with the terms and conditions of the NWP and the special conditions stated in the NWP verification letter, will not be contrary to the public interest.

PREPARED BY:



Andrew W. Phillips
PROJECT MANAGER

REVIEWED BY:



Jeff S. Collins
ACTING, SECTION CHIEF
Cocoa Regulatory Field
Office